

REGULAR MEETING of the CORNWALL TOWN BOARD was held on the 11th day of March, 2013 in the First Floor Court Room, 183 Main Street, Cornwall, NY

PRESENT: Supervisor
Councilpersons

D. KEVIN QUIGLEY
ELIZABETH LONGINOTT
RANDOLPH CLARK
MARY BETH GREENE

ABSENT: Councilman

ALEXANDER MAZZOCCA

Also PRESENT: STEVE GABA, representing attorney for Town, JAMES R. LOEB Esq.

Pledge of Allegiance

Moment of Silence: a moment of silence was held in remembrance of Mr. Graham Kelder who served as a Councilman of the Town Board.

Approval of Minutes – February 11, 2013 Regular Meeting; February 28, 2013 Special Meeting (Insurance); March 5, 2013 Work Session -- A motion to approve was made by Councilman CLARK, seconded by Councilwoman GREENE.

ROLL CALL VOTE: Unanimous Aye.

Public Comment Agenda Items: Mr. Doug Land stated that he was in support of the Farmers Market, and thought it was wonderful to have this for our residents and the community, and was thrilled that the Town Board was also in support of the market. Mr. Pat Conklin stated that he was sorry that his family could not attend tonight's meeting, but he wanted to thank the Board for the upcoming resolution regarding his grandfather, Judge Joseph L. Thomson, and said that his grandfather would have been proud.

Agenda Item #1 – Resolution – Judge Joseph L. Thomson Courtroom – Supervisor QUIGLEY advised that this was discussed at the Work Session and called for any further discussion. There being none, the Resolution was read as follows: WHEREAS, the late Joseph L. Thomson was a resident of the Town of Cornwall who served the citizens of the Town as a Town Justice for 48 years, and WHEREAS, Judge Thomson's service as the longest sitting Town Justice was distinguished, and he was noted for treating all parties in his court with respect and fairness, and WHEREAS, it would be appropriate for the Town to recognize Judge Thomson's Contributions to our community by naming the Town's court facilities in his honor: JUDGE JOSEPH L. THOMSON COURTROOM, NOW, THEREFORE, BE IT RESOLVED as follows: That on behalf of all the citizens of the Town of Cornwall the Town Board hereby names the Town's court facilities the JUDGE JOSEPH L. THOMSON COURTROOM and authorizes the Supervisor to obtain a plaque indicating the new name. Councilman CLARK stated for the record that we needed to thank Justice Francis Navarra for making the recommendation to the Board. A motion to approve was made by Councilman CLARK, seconded by Councilwoman LONGINOTT.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #2 – Resolution – Office of the Aging – Senior Dining Program -- Supervisor QUIGLEY advised that this is an annual agreement with the County. WHEREAS, the County of Orange on behalf of the Orange County Office for the Aging has presented the 2013 Contract for the Senior Dining Program

for the Elderly between the County and the Town, and WHEREAS, it is in the best interests of the Town to enter into the Agreement with the County, NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board hereby agrees to enter into the annexed agreement between the County of Orange and the Town for the 2013 Senior Dining Program for the Elderly.
2. The Town Board hereby authorizes the Supervisor to execute the agreement and forward the same to the County of Orange.

A motion to approve was made by Councilwoman LONGINOTT, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #3 – Resolution – Orange County Historic Grants Program – Councilwoman GREENE advised that the grant is due this Friday, March 15, 2013 and that she has already met with Superintendent of Buildings & Grounds, Albert Conley on having someone come to do a full analysis of the Sands Ring Home. WHEREAS, the Town has determined to submit an application under the Orange County Historic structures and sites in the Town, and WHEREAS, the deadline for submittal of the application is March 15, 2013, NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board does hereby authorize the submittal of an application to the Orange County Historic Grants Program, and
2. That the Supervisor is hereby authorized to sign the Application on behalf of the Town.

A motion to approve was made by Councilman CLARK, seconded by Councilwoman LONGINOTT.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #4 – Resolution – Stop DWI Intermunicipal Agreement – Supervisor QUIGLEY advised that our police department participates in this on a yearly basis. WHEREAS, the County of Orange on behalf of its Department of Emergency Services has presented the 2013 Stop DWI Intermunicipal Agreement between the County and the Town, and WHEREAS, the Town Board has considered the agreement and is prepared to authorize its execution by the Supervisor, NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board hereby agrees to enter into the 2013 Stop DWI Intermunicipal Agreement between the County of Orange and the Town, and
2. The Town Board hereby authorizes the Supervisor to execute the agreement and forward the same to the County of Orange.

A motion to approve was made by Councilman CLARK, seconded by Councilwoman GREENE.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #5 – Resolution – Village of Kiryas Joel – Supervisor QUIGLEY advised that this was in reference to their request for tax exemption from Town taxes for Village of Kiryas Joel owned water supply property. Supervisor QUIGLEY added that this similar to other requests we receive. WHEREAS, the Town Board of the Town of Cornwall ("Town") has received a request from the Village Board of the Village of Kiryas Joel ("Village") to grant tax exemption from Town taxes to certain properties owned by the Village in the Town outside of the incorporated Village, and WHEREAS, the Town has considered the

request from the Village, NOW, THEREFORE, BE IT RESOLVED as follows: That the Town does hereby adopt this resolution denying the request of the Village to exempt certain properties in the Town outside of the Village, which said properties are used by the Village for water supply purposes. A motion to adopt was made by Councilwoman GREENE, seconded by Councilwoman LONGINOTT.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #6 – Resolution – Omnipoint Communications – Supervisor QUIGLEY advised that this resolution was regarding our cell tower here at Town Hall. WHEREAS, heretofore Omnipoint Communications, Inc. leased a small portion of land from the Town of Cornwall adjacent to the existing cell tower facility in order to co-locate, and WHEREAS, T-Mobile Northeast LLC, successor to Omnipoint Communications, Inc., (“T-Mobile”) wishes to upgrade its facilities by performing the construction listed on the Scope of Work exhibit annexed hereto and made a part of this resolution, NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town does hereby approve the proposed upgrade to the said facilities, and authorizes the Building Inspector to issue a building permit upon submission of an appropriate application and
2. That the Town Supervisor is hereby authorized to sign the annexed acknowledgment and consent.

A motion to approve was made by Councilwoman LONGINOTT, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #7 – Resolution – Towing License – Supervisor QUIGLEY advised that this is a new towing operator. WHEREAS, the Town has received an application for a towing license from “Priority Recovery” pursuant to Chapter 137 of the Code of the Town of Cornwall, and WHEREAS, Police Chief Todd M. Hazard has reported that the said application meets all of the Town’s requirements, and he has recommended adding Priority Recovery to the Town’s towing list. NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby approve the issuance of a towing license to Priority Recovery and authorizes its addition to the Town’s towing list. A motion to approve was made by Councilman CLARK, seconded by Councilwoman LONGINOTT.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #8 – Resolution – Vehicle Use Policy – Supervisor QUIGLEY advised that this was for a vehicle use policy in conjunction with requirements from the IRS for Department Heads who take Town owned vehicles home. WHEREAS, Town employees in certain positions may be required or authorized to drive Town vehicles to conduct business on behalf of the Town of Cornwall, and WHEREAS, the Town has before it a written policy covering setting forth certain standards and procedures to be followed, NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board does hereby adopt the annexed Vehicle Use Policy, and
2. That the Town Clerk is hereby directed to provide copies of the Vehicle Use Policy to all Town employees who are affected by this policy.

A motion to approve was made by Councilwoman LONGINOTT, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #9 – Resolution – Farmers Market – Supervisor QUIGLEY advised that we had met with the Co-Op at our Work Session and the new plans for the upcoming season sound great. WHEREAS, the Town owns and maintains a park at Town Hall known as the Town Hall Park, and WHEREAS, the Cornwall Community Cooperative (the “Co-Op”) has requested that the Town permit it to operate a Farmers’ Market on the Town Hall Park grounds, and WHEREAS, the Town Board has determined that it is in the public interest to allow the Co-Op to operate a Farmers’ Market in the Town, and the Town Board is willing to enter into a Revocable License Agreement with the Co-Op for such purpose, NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board does hereby approve the Farmers’ Market Agreement, a copy of which is attached hereto, and does authorize the Town Supervisor to execute the same, and
2. That the Town Board does hereby approve the terms of operation set forth in the “Proposal by Cornwall Community Co-Op and the marketing and advertising plan, both as amended, copies of which are also annexed hereto.

A motion to approve was made by Councilwoman GREENE, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #10 – Resolution – Zoning Maps – Supervisor QUIGLEY advised that this resolution was needed to obtain new zoning maps. WHEREAS, heretofore the Town adopted local laws amending the Zoning Code and the Zoning Map of the Town to encompass the formation of new zoning districts, and WHEREAS, it is necessary to produce updated Zoning Maps to include these amendments, NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board hereby authorizes the Town’s Planning Consultant to work with the Orange County Department of Planning to prepare the appropriate maps to include the new districts, and
2. The Town Board hereby directs the Town Clerk to have the finalized maps printed for inclusion and distribution with the Code books.

A motion to approve was made by Councilman CLARK, seconded by Councilwoman GREENE.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #11 – Highland Engine Co. – Easter Egg Hunt – Supervisor QUIGLEY advised that he received a letter from Kery McGuinness requesting authorization to hold the annual Easter Egg hunt on Saturday, March 30th starting at 10:00 a.m. on Town-Hall Grounds. A motion to approve was made by Councilman CLARK, seconded by Councilwoman GREENE.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #12 – Use of COVAC Building for Town Recreation Programs – A motion to approve the use of the building by the Recreation department was made by Councilwoman GREENE, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #13 – 2013 Summer Camp and Pool Fees – Supervisor QUIGLEY advised that this was the recreation fee schedule for 2013 and that everything went up by approximately \$25.

Present: 2012**Summer Camp**

Town Resident: \$250/\$350
School Non-Res. \$475/\$575

Kindercamp

3 week session
2 hours \$125

(wages for counselors have been raised by \$.50)

Pool Fees

Big Pool Guests \$5
Family Wading \$30
Lessons Session \$50

Proposed: 2013**Summer Camp**

Town Resident: \$275/\$375
School Non-Res. \$500/\$600

Kindercamp

3 week session
2 ½ hrs \$160

Pool Fees

Big Pool Guests \$7
Family Wading \$40
Lessons Session \$60

A motion to approve the schedule of fees was made by Councilwoman GREENE, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye

Agenda Item #14 – Storm King School – Baseball Field Use -- A motion to authorize the Supervisor to send a letter stating that due to heavy field use, the Town cannot accommodate them at this time was made by Councilwoman GREENE, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #15 – Munger Cottage Lighting – Supervisor QUIGLEY advised that Munger Cottage is very dark at night and we had a proposal from our regular electrical contractor, Clearwaters in the amount of \$1,300.00 to install three additional lights; two to the side of the building and one facing the building. A motion to approve was made by Councilwoman GREENE, seconded by Councilwoman LONGINOTT.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #16 – Little League Cabin Repairs – Supervisor QUIGLEY advised that we received three quotes to make the necessary repairs as follows:

Instant Plumbing \$5,695.00

A to Z Heating & AC \$5,831.00

Roth Mechanical, Inc. \$4,909.00

A motion to accept the low quote from Roth Mechanical was made by Councilman CLARK, seconded by Councilwoman LONGINOTT.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #17 – American Legion – Supervisor QUIGLEY advised that he received a letter from American Legion Commander Peter Kurpeawski requesting funds to make certain repairs and also

contributing toward the cost of said repairs. After much discussion, a motion to table was made by Councilwoman GREENE, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #18 – Local Law No. 1 of 2013 – Supervisor QUIGLEY advised that this was the law to regulate truck weight limits on Laurel Avenue. The Law was filed in the Secretary's office on January 28, 2013 and is now in effect.

Agenda Item #19 – Liquor License – Brothers Barbeque, Inc. Supervisor QUIGLEY advised that Farela Family LLC aka Brothers Barbeque has applied for a liquor license.

Agenda Item #20 Personnel:

Planning Board Appointment: A motion to table was made by Councilwoman GREENE, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Conservation Advisory Council Appointment: Supervisor QUIGLEY advised that he received a letter from Kathi Ellick requesting appointment to the Cornwall Conservation Advisory Committee. Councilwoman GREENE advised that there was a discussion when we appointed Mr. Lennon and there was an inquiry as to if that was Ms. Ellick's seat; and she wanted to clarify for the record that it was not. Motion to approve was made by Councilwoman GREENE, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Training:

Notary Public Work Shop: Supervisor QUIGLEY advised that he received a request from Town Clerk Renata McGee for authorization to send Deputy Town Clerk, Cecilia Iovine to a Notary Public Workshop to be held in Middletown on Friday, May 17th 2013 with a total cost of \$95 plus mileage to and from Middletown. A motion to approve was made by Councilwoman GREENE, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Town Clerk Conference: Supervisor QUIGLEY advised that he received a request from Town Clerk Renata McGee for authorization to attend the 31st annual New York State Town Clerks Association Conference from April 28th to May 1st in Buffalo, NY. The cost for registration and accommodations will be \$645 plus mileage. A motion to approve was made by Councilwoman LONGINOTT, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Committee Reports:

Insurance: Councilman CLARK advised that earlier in the month we went with NYMIR for the Town's insurance. There was a sewer meeting with the DEC, and we are working with them to bring everything up to compliance and maybe the Supervisor has more to add. Councilman CLARK added that the DEC conveniently forgot about the two hurricanes that we had until we reminded them. Councilman CLARK stated that finally we are really close to approving billing for COVAC.

Orange County Arts Council: Councilwoman GREENE advised that as the Town's representative to the O.C. Arts Council she wanted to let everyone know that they are collaborating with the Department of Tourism and the Chamber of Commerce to increase the positive economic impact of the film industry in our area and she will now be serving as the liaison to the newly established OC NY Film office working to increase the Town's legislation on the environment, civil service and working with local business. Councilwoman GREENE added that as a delegate to the NYS Association of Towns representing the Town of Cornwall, we met on Wednesday morning and reviewed 15 resolutions on the proposed laws presented to the NYS Legislature such as maintaining home rule, tax reform and Highway funding she again spoke against the increase in surcharge in our justice court and same as last years conference she was able to defeat the resolution from moving forward at the end of the meeting she was asked by the officers to draft the resolution law to be proposed to NYS in regard to Justice Court, Operations, and fee schedules.

Recreation: Councilwoman LONGINOTT advised that there was an upcoming trip to Mohican Sun on March 26th 2013 leaving Town Hall at 8:00 A.M. The cost will be \$32 per person, \$15 food coupon, and two \$10 free bet. It should be a good time and the buffet is very good.

Police Department: Councilwoman GREENE advised that there were 59 house checks last month that the police department provided for our residents who were out of Town and we had 15 suspicious vehicle or persons reported; so thank you to the residents of Cornwall for staying on top and keeping their eyes and ears open to keep us a safer and better place.

Highway Department: Supervisor QUIGLEY advised that the department has been kept busy by filling cold patch to the pot holes Town-wide where needed, hauling in sand for winter maintenance, installing street signs throughout various locations in Town, prepping equipment for winter, performed winter maintenance for the storm on February 8th & 9th, cleaned trucks and equipment, performed mechanical work as required and assisted the sanitation department when needed. Supervisor QUIGLEY advised that they do a very good job.

Warrant #3: Supervisor QUIGLEY called for a motion on Warrant #3; a motion to approve was made by Councilwoman GREENE, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Public Comment: Ms. Nancy Bryan stated that she was dismayed that there was nothing on the Town agenda tonight regarding the Village of Kyras Joel pumping an amazing amount of water. Ms. Bryan advised that she wrote a letter to the DEC and read an excerpt as follows: I truly feel that the DEC has not been honest with the residents in the community that these wells sit in. 612 gallons of water per day equate to 4,284,000 per week. The fact that the Dec would state that there is no environmental impact is ludicrous. Ms. Bryan stated that she was beside herself and certainly hoped that this Board will take a very vocal and annoyed stand. The other thing that amazed her was that the DEC's concern is not the amount of water being pulled from the ground but the sewage at some point down the road. Ms. Bryan stated that they are not concerned about our community, and if this Board does not become very vocal, the impact that this will have will be mind-boggling. There are hundreds and hundreds of homes from Mountainville in the Town of Cornwall that are on wells and if anyone thinks that 4million plus gallons per week will not have an impact on the local wells then they are kidding themselves; and who knows how much will really be used; because she did not believe that the DEC wanted to get involved in that aspect of it. Ms. Bryan added that once construction begins it will impact the local environment. Supervisor QUIGLEY advised that we have already responded to Mr. Ballard of the DEC via

Fed-ex and made our concerns known very strongly and we also requested a public hearing. Mr. Rick Gioa commented that he hopes that the lights to be used for Munger Cottage will take into consideration its historic significance in the Town and achieve lighting that will not turn Munger into a football field. Supervisor QUIGLEY advised that this was for the new section, and there should be two on the building and one on a pole to provide adequate lighting. Mr. Gioa added that the Town should reach out to other towns that have done film productions successfully, like Montclair, New Jersey, as he was sure there is a lot we could learn from their codes.

A motion to go into Executive Session to discuss a personal matter in the Police Department and Closed Session to seek legal counsel regarding possible litigation was made by Councilwoman GREENE, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Renata McGee
Town Clerk